

**Congress of the United States**  
**Washington, DC 20515**

**Defeat the House-Passed Homebound Rule - It  
Makes a Bad Situation Even Worse**

July 11, 2002

Dear Colleague:

When the House passed the Medicare Modernization and Prescription Drug Act last month, a cruel provision that reinforces an outdated restriction in current Medicare law was included in the legislation. I urge you to strike this unfair and misguided language, which serves no public policy benefit and only further reduces the already limited freedom of movement available to certain Medicare beneficiaries.

Under current law, Medicare beneficiaries who are considered "homebound" can receive home health services to help with basic functions of everyday living such as dressing and bathing. To be classified as homebound, beneficiaries must be capable of leaving the home only with considerable effort and they only are permitted departures from home that are "infrequent" or "of short duration." There are only two exceptions: trips to religious services or adult day care.

Medicare contractors around the country deliver home health services and determine whether beneficiaries are complying with limits on their visits outside the home. Contractors interpret these limits differently, and Medicare recipients lose their home health benefits if a contractor determines they are violating the departure requirements. As a result, overzealous or arbitrary interpretation of the definition has turned elderly or disabled Medicare home health beneficiaries into virtual prisoners in their own homes – they are afraid to leave for fear that a Medicare contractor will revoke their benefits.

When a home health recipient overcomes the fear and physical difficulties of leaving the home, he or she faces the real prospect of having benefits terminated. For example, David Jayne, a 40-year-old man with Lou Gehrig's disease, is confined to a wheelchair and cannot swallow, speak or even breathe on his own. Despite his disability, Mr. Jayne meets with youth and church groups and uses a computerized voice synthesizer to give inspirational talks about how the human spirit can endure and overcome great hardship. When his home health contractor learned of Mr. Jayne's activities, including how he had, with the help of family and friends, attended a football game to root for the University of Georgia Bulldogs, the contractor notified him that his home health benefits would be terminated.

The homebound provision in the House-passed Medicare bill does nothing to solve the homebound problem. In fact, the homebound provision in the House bill makes the problem even worse, because it adds an additional restriction – the requirement that trips must be "occasional" – and it specifies that a "trip to the barber" or "walk around the block" is the type of infrequent and short trip that is permissible under the current law. Since home health beneficiaries often are so disabled they can't even walk inside their own homes, freedom to walk around the block is meaningless.

In an op-ed published June 27 in the *Washington Post* and printed on the reverse, former Senator Bob Dole urges support for lifting the cruel homebound requirement, which effectively imprisons beneficiaries in their homes. The homebound provision in the House-passed bill does NOT lift this requirement – it “clarifies” it to the detriment of home health beneficiaries around the country. This homebound provision is unfair and only deepens the painful isolation suffered by home health beneficiaries.

If you would like additional information, please have a member of your staff contact Mark Bayer or David Moulton of my staff at 5-2836.

Sincerely,

Edward J. Markey  
Member of Congress